

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN DIANE RICE**, on January 24, 2005 at 9:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Paul Clark, Vice Chairman (D)
Rep. Ron Stoker, Vice Chairman (R)
Rep. Arlene Becker (D)
Rep. Robyn Driscoll (D)
Rep. George Everett (R)
Rep. Gail Gutsche (D)
Rep. Roger Koopman (R)
Rep. Michael Lange (R)
Rep. Tom McGillvray (R)
Rep. Mark E. Noennig (R)
Rep. Art Noonan (D)
Rep. John Parker (D)
Rep. Jon Sonju (R)
Rep. John Ward (R)
Rep. Bill Wilson (D)
Rep. Jeanne Windham (D)

Members Excused: Rep. Christopher Harris (D)

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 307, HB 313, HB 324, 1/19/2005
Executive Action: NONE

HEARING ON HB 324**Opening Statement by Sponsor:**

REP. ROBYN DRISCOLL (D), HD 51, opened the hearing on **HB 324**, Crime of obstructing access to health care facility. She stated that this is "...no way, no how a restriction for free speech."

REP. DRISCOLL demonstrated for the committee members how far eight feet is to illustrate what this "buffer zone" would be like.

EXHIBIT(juh18a01)

{Tape: 1; Side: A; Approx. Time Counter: 0 - 88}

Proponents' Testimony:

Mark Cadwallader, self, rose in support of HB 324.

{Tape: 1; Side: A; Approx. Time Counter: 88 - 100}

Jeri Duran, Planned Parenthood of Montana, rose in support and stated that PPMT has served over 20,000 people in Montana. She stated further that 90% of the clinics find it necessary to call law enforcement at various times.

{Tape: 1; Side: A; Approx. Time Counter: 100 - 138}

Julie White, Blue Mountain Clinic escort, rose in support of HB 324. She provided information to the committee from herself and other escorts of the Blue Mountain Clinic.

EXHIBIT(juh18a02)

{Tape: 1; Side: A; Approx. Time Counter: 138 - 190}

Mindy Oppen, Physician's Assistant, Blue Mountain Clinic, rose in support of HB 324. She informed the committee that the clinic where she works services babies, the elderly, men and a full "family" practice.

{Tape: 1; Side: A; Approx. Time Counter: 190 - 288}

David Jersey, self, rose in support of HB 324.

{Tape: 1; Side: A; Approx. Time Counter: 288 - 400}

Kate Cholewa, Montana NARAL, rose in support of HB 324.

{Tape: 1; Side: A; Approx. Time Counter: 400 - 419}

Stacy James, Planned Parenthood of Montana, stood in support of HB 324. She stated to the committee that for her, "...the risk is worth it...however, the patients do not choose this risk."

{Tape: 1; Side: A; Approx. Time Counter: 419 - 500}

Brad Martin, Montana Democratic Party, stated to the committee that this is a common-sense bill. He stated that HB 324 respects all individual's rights.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 15}

Tim Lovely, Blue Mountain Clinic, escort, rose in support of HB 324.

{Tape: 1; Side: B; Approx. Time Counter: 15 - 50}

Cynthia Peters, Blue Mountain Clinic, stated her support for this bill.

{Tape: 1; Side: B; Approx. Time Counter: 50 - 53}

Heather Davis, Blue Mountain Clinic, rose in support of HB 324.

[EXHIBIT\(juh18a03\)](#)

{Tape: 1; Side: B; Approx. Time Counter: 53 - 55}

Opponents' Testimony:

Larry Chambers, self, rose in opposition to HB 324. He wanted to know where the "safety buffer" is for the unborn children. **Mr. Chambers** stated that the clinics are promoting death, it is a death mill for unborn babies and an abortion mill.

{Tape: 1; Side: B; Approx. Time Counter: 55 - 84}

Eric Schiedermeyer, Montana Catholic Conference of Bishops, rose in opposition to HB 324. He stated that the people who are picketing are just praying. **Mr. Scheidermeyer** proposed that this bill is about squelching the pro-life activities.

[EXHIBIT\(juh18a04\)](#)

[EXHIBIT\(juh18a05\)](#)

{Tape: 1; Side: B; Approx. Time Counter: 84 - 143}

Greg Trude, Montana Right to Life, rose in opposition to this bill and stated that the clinics are not healthcare facilities, they are abortion clinics.

{Tape: 1; Side: B; Approx. Time Counter: 143 - 156}

Dallas Erickson, Montana Family Coalition, stood in opposition to HB 324. He stated that the clinics are "...only to protect the income for Planned Parenthood...and they are the reason why schools are empty." Mr. Erickson stated that the clinics are not health clinics; they are death clinics.

[EXHIBIT\(juh18a06\)](#)

{Tape: 1; Side: B; Approx. Time Counter: 156 - 233}

Harris Himes, Montana Family Coalition, rose in opposition and stated that eight feet is difficult to gauge.

{Tape: 1; Side: B; Approx. Time Counter: 233 - 317}

Jacque Trude, Eagle Forum, stood opposed to HB 324. She stated that women need to be educated and if they were, they would not choose abortion.

{Tape: 1; Side: B; Approx. Time Counter: 317 - 345}

Lynn Stumberg, self, rose in opposition to HB 324 and stated that this bill would take away the right to distribute leaflets, educate and to counsel.

{Tape: 1; Side: B; Approx. Time Counter: 345 - 372}

Informational Testimony: None

Questions from Committee Members and Responses:

REP. GUTSCHE question Ms. Bucy regarding the statements in this bill will infringe on anyone's First Amendment rights. **Ms. Bucy, Assistant Attorney General**, responded that this bill would not appear to infringe on anyone's rights.

REP. GUTSCHE questioned Ms. Oppen about the types of services that are offered at the clinics. **Ms. Oppen** replied that prenatal, pediatrics, mental health and family practice services are offered. She also stated that only 10% of the clinic's services involve abortions.

REP. GUTSCHE also stated for the record that she is a proponent of HB 324.

REP. SONJU questioned **REP. DRISCOLL** about the restrictions within the language of the bill and what further restrictions may happen. The **REPRESENTATIVE** was also interested in the enforcement issue of the eight foot buffer.

REP. WILSON inquired of Mr. Trude and Mr. Himes if they hand out the information and how they differentiate between the abortion literature and other services that are offered. **Mr. Himes** stated that the patients are walked to the clinic by escorts and the patients come up to "them" for information or they "ask" the patients to come to them.

REP. MCGILLVRAY and **REP. WARD** asked Mr. Scheidermeyer if this bill would not allow information to be handed out to clients. **Mr. Scheidermeyer** stated, "That would be restricting free speech." They were also interested in whether or not this bill would be "mocking" the current law in statute.

REP. NOONAN queried Mr. Himes regarding the justification that picketers feel they have to counsel patients. **Mr. Himes** stated, "...Wednesdays are the day that abortions take place so other patients should stay away." The REPRESENTATIVE and Mr. Himes also discussed how the various clinics are chosen for picketing and why some clinics that do not perform abortions are also picketed.

REP. KOOPMAN asked the sponsor to specify what other types of "sidewalk counseling" she is aware of and if there are any restrictions regarding churches.

REP. WILSON questioned Ms. Oppen as to the day-to-day operations of the clinic where she works.

REP. SONJU invited Ms. Oppen to inform the committee as to the percentage of appointments on Wednesday that are non-abortions. **Ms. Oppen** stated that between 20-30% of the services performed are non-abortions.

REP. KOOPMAN sought the answer from Ms. Bucy as to the eight-foot bubble and if that would be in effect if the patient were to approach the "counselor" who is handing out literature. **Ms. Bucy** replied, "...there would be an exception if the patient approached the other party."

REP. GUTSCHE finished the questioning of Ms. Bucy by inviting her to state to the committee if this bill would protect other health care facilities. **Ms. Bucy** responded by saying, "...most other clinics or churches for instance would be able to acquire an Order of Protection that would limit access by picketers to 1,500 feet."

{Tape: 1; Side: B; Approx. Time Counter: 372 - 500}

{Tape: 2; Side: A; Approx. Time Counter: 0 - 460}

Closing by Sponsor:

REP. DRISCOLL closed the hearing on HB 324 by stating to the committee that patients are not just annoyed by the picketers; they are frightened. She further stated that the eight-foot bubble does not limit free speech. **REP. DRISCOLL** closed her comments by stating, "...the Great Falls Clinic does not perform abortions; why do they get demonstrators?"

{Tape: 2; Side: A; Approx. Time Counter: 460 - 514}

HEARING ON HB 313

Sponsor: REP. JON SESSO, HD 76, BUTTE

Opening Statement by Sponsor:

REP. JON SESSO (D), HD 76, opened the hearing on **HB 313**, Extend contract period for prerelease centers. The REPRESENTATIVE stated that this bill would change the contract from 10 years to a 20-year contract which will result in better financing options.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 36}

Proponents' Testimony:

Joe Williams, Department of Corrections, rose in support of HB 313. He stated that this bill would create the ability to deal with lenders for longer term money.

{Tape: 2; Side: B; Approx. Time Counter: 36 - 51}

Michelle Barstad, Facility Finance Authority, rose in support of HB 313.

{Tape: 2; Side: B; Approx. Time Counter: 51 - 73}

Sheryl Olson, Department of Revenue, rose in support of the this bill.

{Tape: 2; Side: B; Approx. Time Counter: 73 - 79}

Dave Armstrong, Billings Release Center, Alternatives

Association, rose in support of HB 313. He informed the committee that in 1980, there were 20 beds in this facility; currently, there are 151 beds in the facility due to a \$3 million expansion increasing the facility to 21,000 feet.

{Tape: 2; Side: B; Approx. Time Counter: 79 - 99}

Mike Ruppert, Boyd Andrews Chemical Services, Helena Pre-Release Center, rose in strong support of HB 313. He also informed the committee members that this facility started with 40 beds; and will be increasing to 98 beds with a \$1 million expansion in the process.

{Tape: 2; Side: B; Approx. Time Counter: 99 - 120}

Sue Wilkins, Missoula Correctional Services, rose in support of HB 313. **Ms. Wilkins** spoke to the committee about the facility she represents and the reality of documented revenue sources.

EXHIBIT(juh18a07)

{Tape: 2; Side: B; Approx. Time Counter: 120 - 161}

Charles Brooks, City of Billings, Alternatives Association, spoke in support of this bill.

{Tape: 2; Side: B; Approx. Time Counter: 161 - 175}

Mike Thatcher, Community Counseling and Correctional Services, spoke to the committee about this being a "Win/Win" situation.

{Tape: 2; Side: B; Approx. Time Counter: 175 - 209}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. EVERETT questioned Mr. Williams about the fiscal note impact and its relevance as to the individual costs per inmate at the various correctional facilities. **Mr. Williams** stated that for Montana State Prison the cost is \$68/per inmate, CCA-Shelby the cost is \$52.75/per inmate and the Montana Women's Center the cost is \$66/per inmate.

REP. EVERETT proceeded to query Mr. Armstrong as to the costs related to security.

{Tape: 2; Side: B; Approx. Time Counter: 209 - 292}

Closing by Sponsor:

REP. SESSO closed the hearing on HB 313.

{Tape: 2; Side: B; Approx. Time Counter: 292 - 300}

HEARING ON HB 307

REP. JOHN PARKER, HD 23, GREAT FALLS

Opening Statement by Sponsor:

REP. JOHN PARKER (D), HD 23, opened the hearing on **HB 307,** Money laundering as a criminal offense. **REP. PARKER** informed for the committee that this bill is at the request of the Great Falls Police Department. He stated that there are three areas for this bill to address:

- 1) Criminal Finance-money laundering.
- 2) Criminal Finance-funding future money laundering.
- 3) Investigation for Homeland Security.

{Tape: 2; Side: B; Approx. Time Counter: 300 - 353}

Proponents' Testimony:**Patrick Brinkman, Great Falls Police Department-Narcotics**

Detective, rose in support of HB 307. He informed the committee that one pound of cocaine is equivalent to 6 1/2 pounds of cash produced. **Mr. Brinkman** stated that the drug dealers purchase money orders or transfers money out of state to attempt to hide their money. He informed the members of the committee about the efforts of one drug dealer to purchase collectible sports cards in a effort to hide his money.

{Tape: 2; Side: B; Approx. Time Counter: 353 - 440}

Brian Fulford, Kalispell Police Department, rose in support of HB 313 and informed the committee members of how Highway 93 (that runs north and south) is called the "fraud highway." **Mr. Fulford** did inform the committee that it is not illegal to launder money in Montana at the present time.

EXHIBIT (juh18a08)

{Tape: 2; Side: B; Approx. Time Counter: 440 - 500}

{Tape: 3; Side: A; Approx. Time Counter: 0 - 27}

Jeff Beecroft, Great Falls Police Department, related to the committee members the story of the woman who was laundering money in the form of purchasing antiques and then storing them in warehouses. He also stated that at times the "launderers" use the drug money to bail one another out of jail.

{Tape: 3; Side: A; Approx. Time Counter: 27 - 58}

Mike Batista, Department of Corrections-Criminal Investigations, rose in support of HB 313 and informed the committee that "...with more 'meth' coming in into the state, there will be more money laundering."

{Tape: 3; Side: A; Approx. Time Counter: 58 - 99}

Pam Bucy, Assistant Attorney General Office, rose in support of HB 307.

{Tape: 3; Side: A; Approx. Time Counter: 99 - 111}

Jim Kembel, Montana Association of Chiefs' of Police, Montana Police Protective Association, rose in support of HB 307.

{Tape: 3; Side: A; Approx. Time Counter: 111 - 117}

Patrick Driscoll, State Auditor's Office-Chief Counsel, rose in support of HB 307.

{Tape: 3; Side: A; Approx. Time Counter: 117 - 135}

Harris Himes, Montana Family Coalition, stated to committee members that this is a family-friendly bill.

{Tape: 3; Side: A; Approx. Time Counter: 135 - 150}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. LANGE posed questions to **REP. PARKER** regarding the fiscal note and why he did not sign it. They determined that it was related to the "fine" language or lack thereof.

REP. KOOPMAN inquired of **Ms. Bucy** as to the bill and it's being presented in relation to drug enforcement. **THE REPRESENTATIVE** asked, "What other crimes would be helped by HB 307?" **Ms. Bucy** responded, "...anti-terrorism."

{Tape: 3; Side: A; Approx. Time Counter: 150 - 255}

Closing by Sponsor:

REP. PARKER closed the hearing on HB 307 and stated, "...this bill will target the more sophisticated offender..."

{Tape: 3; Side: A; Approx. Time Counter: 255 - 270}

ADJOURNMENT

Adjournment: 11:45 A.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh18aad0.TIF](#))